

Stevens & Lee

669 River Drive, Suite 201
Elmwood Park, NJ 07407
(201) 857-6760 Fax (201) 857-6761
www.stevenslee.com

Direct Dial: (201) 857-6778
Email: robert.donovan@stevenslee.com
Direct Fax: (610) 371-7938

March 24, 2023

VIA E-FILING

Honorable Ona T. Wang, U.S.M.J.
United States District Court
Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street, Courtroom 20D
New York, New York 10007

Re: Ahmed Ashour, et al. v. Arizona Beverages USA LLC, et al.
Index No. 1:19-cv-07081 (AT)(OTW) - Defendants' Response in Opposition
to Plaintiffs' Letter Motion Requesting a Discovery Conference

Dear Judge Wang:

This firm represents defendants ("Defendants"). We write in opposition to the March 21, 2023 letter motion filed by plaintiffs ("Plaintiffs") seeking a discovery conference. (ECF No. 250).

Since mid-February, 2023, the undersigned, along with other attorneys at this law firm, have been reviewing documents derived from an agreed-upon subsequent email search by Defendants (comprising 9 of the 12 search queries) ("Subsequent Email Search"). (See declaration of Robert P. Donovan, "Donovan Dec.", ¶2). The results from the Subsequent Email Search total approximately 11 gigabytes of data. (*Id.*). To date, our office has reviewed approximately 60% of the data derived from the Subsequent Email Search (comprising 9 of the 12 search queries). (*Id.*, ¶3). As to the remaining estimated 40% of ESI from the 9 of 12 search queries, efforts will be made to complete a review within the next two weeks. (*Id.*).

By letter dated March 10, 2023, Defendants furnished Plaintiffs with documents, by way of rolling production number 1, from the Subsequent Email Search. (*Id.*, ¶4). By letter dated today, March 24, Defendants produced additional documents by way of rolling production number 2. (*Id.*). Defendants expect to continue the rolling production in the coming weeks. (*Id.*). Defendants acknowledge that they expected to complete production from this review by March 15 and so advised the Court. (ECF No. 236). That expectation was, admittedly, erroneous. Because the data being reviewed encompasses a search of additional custodians and an expanded time period through 2021, a substantial privilege review is necessary. (Donovan Dec., ¶5). This reality, and the immense size of the information to be reviewed, have caused an unexpected delay in production. (*Id.*).

Allentown • Bergen County • Bala Cynwyd • Cleveland • Fort Lauderdale • Harrisburg • Lancaster • New York
Philadelphia • Princeton • Reading • Rochester • Scranton • Valley Forge • Wilkes-Barre • Wilmington
A PA PROFESSIONAL CORPORATION

Stevens & Lee

Honorable Ona T. Wang, U.S.M.J.
March 24, 2023
Page 2

On March 22, 2023, this office received the results of a tenth search query, comprising more than 5 gigabytes of additional data to review. (*Id.*, ¶6). Results from one additional query are outstanding. (*Id.*). The other last remaining twelfth search term will likely have to be revisited by the parties due to the hit list results. (*Id.*). Results from the searches of local computers also remain outstanding. (*Id.*).

Because counsel is currently unaware of the size of all the data that will have to be reviewed, proposing a realistic date for substantial completion of production remains problematic. (*Id.* ¶7). As the parties are to submit a joint status letter on March 31 (ECF No. 249), Defendants propose that they update the Court on the status of review and production in that letter as well. Thank you for Your Honor's attention to this matter.

Respectfully submitted,

STEVENS & LEE

Robert P. Donovan

RPD:sck

cc: (All counsel of record via ECF)